

REMARKS

Claims 1-21 are pending in the present application; all claims have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 20010049596 (Lavine).

The present application is directed to a method of easily inputting in a mobile terminal, icons that represent emotions (emoticons) of a user. A paragraph on page 5, line 21 to page 6, line 6 of the inventive specification defines an emoticon as follows:

“An emoticon is defined as a hieroglyphic character that is formed using a plurality of typical characters or special characters in combination to represent a user’s emotions. The term “emoticon” is a compound word of emotion and icon (an image representing a computer program function). Emoticons are part of a language unique to cyber space, by which emotions, symbols, personalities, jobs, and objects are represented by using characters, symbols, and digits available on the keyboard of a computer. They are widely used in cyber space since they are easily understood and easily facilitate a description of an expression of subtle emotions of a user.”

Further, some examples of emoticons are illustrated in FIG. 5 of the present application.

Contrarily, while the present invention is concerned with cell phones or mobile terminals, which, due to their size, have limited computing power, Lavine is directed to a process of turning plain text into animated sequences using a digital image generator, which can be a computer or digital video.

The Examiner cites FIG. 2 and paragraph 0040 of Lavine as “storing a plurality of emoticons”, recited in Claim 1; “grouping a plurality of emoticons formed by utilizing a plurality of typical characters and special characters in combination and storing the emoticons by groups in the mobile terminal”, recited in Claim 10; and “storing a plurality of the emoticons”, recited in Claim 16 of the present application. The referenced paragraph states:

“To simplify the construction of the **phrase pattern library**, most phrase patterns are done in singular form. If the original phrase contains plural forms then the singular form is constructed and used in the comparison.” (Emphasis added).

This paragraph discusses a phrase pattern library, and not an emoticon input method to which the inventive claims are directed.

The Examiner further cites FIGs. 2 and 3 and paragraph 0007 of Lavine as teaching

“storing as part of a short message the emoticon selected by a user”, recited in Claim 1;
“storing an emoticon as part of a short message selected by the user”, recited in Claim 10;
and “transmitting an SMS message including the at least one emoticon selected by a user”,
recited in Claim 16 of the present application. The referenced paragraph states:

“The act of sending an e-mail or wireless message (SMS) has become commonplace. A software tool, which allows a user to compose a message, is opened and a text message is typed in a window similar to a word processor. Most e-mail software allows a user to **attach picture files** or other related information. Upon receipt, the picture is usually opened by a web browser or other software. The connection between the main idea in the attachment and main idea in the text is made by the person composing the e-mail.” (Emphasis added).

As can be gleaned from the above selection, Lavine describes attaching picture files and opening them using web browsers. Attachment of a file to an e-mail message is a known technique not being addressed by the present application. The present application teaches “**storing as part of a short message** the emoticon selected by a user”, recited in Claim 1; “**storing an emoticon as part of a short message** selected by the user”, recited in Claim 10; and “**transmitting an SMS message including the at least one emoticon** selected by a user”, recited in Claim 16 of the present application. The emoticon of the present invention is a part of the message, and is not an attachment. This is not taught or described in Lavine.

With regard to the above referenced citation of paragraph 0007, in reference to Claim 16 the Examiner additionally references paragraphs 0016 and 0030 of Lavine. These paragraphs, however, do not cure the above deficiency of Lavine. Specifically, the first sentence of paragraph 0016, states: “A process of turning text into computer generated animation is disclosed.” and the first sentence of paragraph 0030 states: “A novel feature of this invention is that the message contained in the text is conceptually linked to the animation being displayed.” As discussed above, the present invention is directed to inputting icons that represent emotions in to text. Similar to paragraph 0007, paragraphs 0016 and 0030 of Lavine do not teach “**transmitting an SMS message including the at least one emoticon** selected by a user”, recited in Claim 16 of the present application.

Accordingly, each of the above-mentioned independent claims, namely Claims 1, 10, and 16 are believed to be patentable over the cited prior art. Without conceding the patentability per se of dependent Claims 2-9, 11-15, and 17-21, they are believed to be patentable over the prior art due to their dependence on the respective independent Claims.

It is respectfully requested that the rejections of Claims 1-21 be withdrawn. In view of the foregoing remarks, it is respectfully submitted that Claims 1-21 are in condition for allowance. Early and favorable reconsideration of the rejections of these claims is respectfully requested.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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